

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

THE STATE OF MISSOURI; THE STATE
OF TEXAS,

Plaintiffs,

v.

JOSEPH R. BIDEN, in his official capacity as
President of the United States, *et al.*

Defendants.

No. 7:21-cv-00420
(formerly No. 6:21-cv-00052)

THE GENERAL LAND OFFICE OF TEXAS,
and DAWN BUCKINGHAM, M.D., in her
official capacity as Commissioner of the Texas
General Land Office,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; and ALEJANDRO
MAYORKAS, in his official capacity as
Secretary of the Department of Homeland
Security,

Defendants.

No. 7:21-cv-00272

**PLAINTIFFS AND DEFENDANTS' JOINT MOTION FOR AN EXTENSION
OF TIME TO RESPOND TO THE MOTIONS TO INTERVENE**

Plaintiffs and Defendants jointly move for the Court to extend the deadline to
May 10, 2024, for Plaintiffs and Defendants to respond to any motions to intervene

that have deadlines before then. An extension will permit Plaintiffs and Defendants to file omnibus responses to all pending motions to intervene. In support of their joint motion, the parties state as follows:

1. On March 8, 2024, the Court entered an order granting in part Plaintiffs' Motion for Preliminary Injunction. ECF 128.
2. On April 10, 2024, the parties filed a Joint Motion for Entry of Final Judgment and for Briefing Schedule with the Court. ECF 150 at 1. In the joint motion, the parties "agree[d] that the Court may enter final judgment in these cases without additional dispositive motion practice," subject to "one discrete issue concerning the form of a final judgment on which [the parties] have been unable to agree." *Id.* at 2. That discrete issue is whether and to what extent the remedy of vacatur applies.
3. One month after this Court's preliminary injunction order, on April 8, 2024, Posillico Civil Inc. Coastal Environmental Group Inc. d/b/a Southern Border Constructors ("SBC") moved to intervene. *See* ECF 148. The parties' current deadline to respond is April 29, 2024. L.R. 7.3.
4. On April 9, 2024, Randy Kinder Excavating, Inc d/b/a RKE Contractors ("RKE") moved to intervene. *See* ECF 149. The parties' current deadline to respond is April 30, 2024. L.R. 7.3.
5. On April 11, 2024, Diamond A Ranch, Western Division L.L.C. and Guadalupe Ranch Corporation (collectively, the "Ranches") moved to intervene. *See* ECF 154. The parties' current deadline to respond is May 2, 2024. L.R. 7.3.

6. On April 19, 2024, Sierra Club and Southern Border Communities moved to intervene. *See ECF 167.* The parties' current deadline to respond is May 10, 2024. L.R. 7.3

7. On April 15, 2024, Texas Sterling Construction Co. ("Texas Sterling") moved to intervene. *See ECF 162.* On April 23, 2024, Texas Sterling filed an amended motion. *See ECF 172.* The parties' current deadline to respond is May 14, 2024. L.R. 7.3.

8. The parties jointly move for the Court set a deadline of May 10, 2024, for Plaintiffs and Defendants to each file (one for Plaintiffs, and one for Defendants) consolidated responses to all outstanding motions to intervene.

9. Granting this motion will increase efficiency. The five outstanding motions to intervene raise overlapping issues and make similar arguments. A single response by Plaintiffs and a single response by Defendants would more efficiently resolve common arguments. Given the number of motions to intervene, however, additional time for the parties to file consolidated responses is necessary.

10. All responses are currently due between April 29, 2024 and May 14, 2024, and the Court's preliminary injunction has been in effect since March 8, 2024. Setting a deadline for the parties to each file a consolidated response to the various outstanding intervention motions on a single date within the existing time window will not prejudice any of the putative intervenors.

11. The parties have communicated their intent to seek a deadline of May 10, 2024, on consolidated responses to the outstanding motions to intervene to all

current putative intervenors. All putative intervenors consent to the joint motion for an extension of time.

12. A proposed order granting the parties' joint motion is attached as Exhibit 1.

CONCLUSION

For the foregoing reasons, the parties respectfully move for the Court set the deadline for Plaintiffs and Defendants to file consolidated responses to all outstanding motions to intervene as May 10, 2024.

Date: April 25, 2024

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CERTIFICATE OF COMPLIANCE

I certify that the foregoing document contains 609 words, exclusive of matters designated for omission, as counted by Microsoft Word.

/s/ Joshua M. Divine
Joshua M. Divine

CERTIFICATE OF SERVICE

I certify that on April 25, 2024, a true and accurate copy of the foregoing document was electronically filed through the Court's CM/ECF System and that a copy of the foregoing will be sent via email to all parties by operation of the Court's electronic filing system, all consistent with Federal Rule of Civil Procedure 5(b).

/s/ Joshua M. Divine
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